

Application No. 10/089,760
Attorney Docket No. PG3786USW

REMARKS / ARGUMENTS

The following amendment is responsive to the Official Action dated July 26, 2004. In this amendment, Claims 3, 6, 7, 11, 13, 14, 22, 25, 28, 34, 36, 38, 41, 42, 43, 44, and 45 have been amended and claims 1, 4, 5, 10, 12, 27, 33, 36-38, 39, 40, 47 and 48 have been cancelled. Claims 3, 6-9, 11, 13-26, 28-29, 34, 36-38, 41-46 and 49 remain pending.

1. The Figures

In that Official Action, the examiner objected to the amended Figures as failing to include the required caption indicating that they are "Replacement Sheets." In this Amendment C, the Figures are resubmitted with appropriate captions.

2. Definiteness under 112, 2nd ¶

Claims 1, 3-29, 33-49 stand rejected as indefinite under 35 USC §112, 2nd ¶. The language of claim 1 had been rejected as indefinite, as it was unclear to the examiner "if there is any intended difference in the meaning between 'received by said housing' (line 4) and 'provided to the housing' (line 7) as to the physical relationship between the housing and the medicament container and between the housing and the electronic data management system' (line 7) respectively." In this Amendment C, the claim language has been amended and incorporated into the various dependent claims which have been indicated to be allowed. The amended language specifies

"said portable device further comprising an electronic data management system comprising
a memory for storage of data concerning use of said portable device;"

The amended language clarifies that the electronic data management system is a component of the portable device, and that the data stored concerns the use of the portable device. Thus amended, the claim language makes clear to one of ordinary skill the relationship of the various components of the portable device, in compliance with the definiteness requirements of 35 USC 112. Withdrawal of the rejection of this claim language is therefore requested.

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3. Novelty

The examiner also rejected claims 1, 4, 5, 10, 12, 27, 33, 35, 39-40 and 47-48 as anticipated by US 6,202,642 to McKinnon.

Claims 1, 4, 5, 10, 12, 27, 33, 35, 39-40 and 47-48 have been cancelled herein without prejudice, and applicant reserves the right to file appropriate continuations applications to pursue such subject matter.

4. Subject Matter indicated to be Allowable

In the Official Action, Claims 3, 6-9, 11, 13-26, 28-29, 34, 36-38, 41-46 and 49 were indicated to be allowed if rewritten to overcome the 112 rejection and placed in independent form incorporating all limitations of the base and intervening claims.

In this amendment, Claims 3, 6, 7, 11, 13, 14, 22, 25, 28, 34, 36, 38, 41, 42, 43, 44, and 45 have been amended have been rewritten in independent form incorporating all limitations of the base and intervening claims. Claims 3, 6-9, 11, 13-26, 28-29, 34, 36-38, 41-46 and 49 are rewritten to include the amended language referred to in Section 2 above from claim 1. These amended claims are asserted to be definite within 35 USC §112, 2nd ¶, as previously discussed.

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5. Conclusion

In light of these amendments, all issues raised by the examiner to date have been addressed. Claims 3, 6-9, 11, 13-26, 28-29, 34, 36-38, 41-46 have been modified as indicated by the examiner in the last Official Action. As such, each of the pending claims are asserted to be in a condition for allowance. Applicant requests that a timely Notice of Allowance be issued in this case. If any matters exist that preclude issuance of a Notice of Allowance, the examiner is requested to contact the applicant's representative at the number indicated below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge any fees or credit any overpayment, particularly including any fees required under 37 CFR Sections 1.16 and/or 1.17, and any necessary extension of time fees, to deposit Account No. 07-1392.

Respectfully submitted,



Dated: 1/25/05

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